

REMARKS

Claims 1-8, 11-28, 31-41, and 44-49 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103, Obviousness

The Office rejects claims 1-8, 12-28, 32-41, and 44-49 under 35 U.S.C. § 103 as being unpatentable over *Macready et al.* (U.S. Pub. No. 2002/0016759) in view of *Bigus et al.* (U.S. Patent No. 6,401,080). The Office rejects claims 11 and 31 under 35 U.S.C. § 103 as being unpatentable over *Macready et al.* (U.S. Pub. No. 2002/0016759) in view of *Bigus et al.* (U.S. Patent No. 6,401,080) as applied to claims 1, 9, 21, 29-31, 41, and 42 above, and further in view of *Kansal* (U.S. Patent No. 6,647,374). These rejections are respectfully traversed.

Applicants submit that *Bigus* fails to teach or suggest the features alleged in the Office Action. In addition, the *Bigus* patent and the instant application were, at the time of the invention was made, owned by, or subject to an obligation of assignment to the same person. 35 U.S.C. § 103(c) states:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The instant application was filed on or after November 29, 1999. The *Bigus* patent qualifies as prior art only under 35 U.S.C. § 102(e). And, the instant application and the *Bigus* patent were commonly owned or subject to an obligation of assignment to the same person at the time the invention was made. Therefore, the *Bigus* patent cannot be used in a 35 U.S.C. § 103 rejection to preclude patentability.

Therefore, Applicants respectfully request withdrawal of the rejections of claims 1-8, 11-28, 31-41, and 44-49 under 35 U.S.C. § 103.

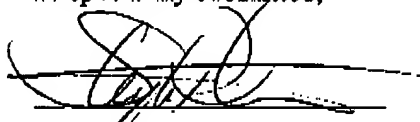
II. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: Jan 13, 2006

Respectfully submitted,



Stephen R. Tkacs
Reg. No. 46,430
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Agent for Applicants